



## TEXAS DEPARTMENT OF INSURANCE

### Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### GENERAL INFORMATION

**Requestor Name**

GREGORY P ENNIS MD PA

**Respondent Name**

LIBERTY INSURANCE CORP

**MFDR Tracking Number**

M4-16-2315-01

**Carrier's Austin Representative**

Box Number 01

**MFDR Date Received**

April 7, 2016

### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "EcCare Health Centers recognizes and correctly reads TAC 28 part 2 134.203 (b) (1)... demonstrating that reimbursement in the amount of \$531.41 is the correct reimbursement and is due and payable along with with [sic] interest as described in 28 TAC Part 2 134.130."

**Requestor's Supplemental Position Summary Dated May 23, 2015:** "The carrier paid the bill but did NOT submit an interest payment for a bill over a year old. Reminder that we spend much time and money attempting to collect a bill that carrier refused to pay until it came before the Division. In short, I want the interest due under the law. The carrier is obligated to pay that interest under 133.130 [sic]."

**Amount in Dispute:** \$579.58

### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "We have no record of a bill for service of April 6, 2016 [sic] for claimant... The provider has, however, included a copy of a fax confirmation indicating submission of the bill so we are currently processing a check for payment. Payment should be received in 7 to 10 business days. The EOB is not yet available but will be provided as soon as it can be printed."

**Response Submitted by:** Liberty Mutual Insurance Company

### SUMMARY OF FINDINGS

Date(s) of Service	Disputed Service(s)	Amount In Dispute	Amount Due
April 6, 2015	99455-V5-WP	\$579.58	\$0.00
April 6, 2015	Interest	None identified	\$22.38

### FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
2. 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
3. Texas Labor Code §413.019 sets out procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
4. Texas Labor Code §401.023 sets out procedures for computation of Interest or Discount Rate.

## Issues

1. Did the insurance carrier issue payment for the disputed charges?
2. What is the date the insurance carrier received the medical bill?
3. What is the interest due per 28 Texas Administrative Code §134.130?
4. Is the requestor entitled to additional reimbursement?

## Findings

1. The requestor billed the amount of \$579.58 for CPT code(s) 99455-V5-WP rendered on April 6, 2015. Review of the submitted documentation supports that the insurance carrier issued payments totaling \$578.57. The requestor in correspondence to the Division confirmed receipt of payment for the disputed services, however seeks additional payment for the interest that the requestor indicates was not issued by the insurance carrier.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 Texas Administrative Code §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60<sup>th</sup> day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Review of the submitted documentation (Fax Confirmation) establishes that April 6, 2015 is the receipt date of the medical bill. The Division, therefore concludes that the date the carrier originally received the complete medical bill is April 6, 2015. The Division finds that the requestor is entitled to reimbursement for the interest and interest is determined pursuant to 28 Texas Administrative Code §134.130(c) & (d).  
  
28 Texas Administrative Code §134.130 "(d) Interest shall be calculated as follows: (1) multiply the rate of interest by the amount on which interest is due (to determine the annual amount of interest); (2) divide the annual amount of interest by 365 (to determine the daily interest amount); then (3) multiply the daily interest amount by the number of days of interest to which the recipient is entitled under subsection (a) or (b) of this section.  
  
28 Texas Administrative Code §134.130 "(e) The percentage of interest for each quarter may be obtained by accessing the Texas Department of Insurance's website, [www.tdi.state.tx.us](http://www.tdi.state.tx.us)" The Division finds that the percentage rate for this quarter is 4.14%.
3. 28 Texas Administrative Code §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor Code §401.023 and in effect on the date the payment was made."  
  
28 Texas Administrative Code §134.130 "(d) Interest shall be calculated as follows: (1) multiply the rate of interest by the amount on which interest is due (to determine the annual amount of interest); (2) divide the annual amount of interest by 365 (to determine the daily interest amount); then (3) multiply the daily interest amount by the number of days of interest to which the recipient is entitled under subsection (a) or (b) of this section.  
  
28 Texas Administrative Code §134.130 "(e) The percentage of interest for each quarter may be obtained by accessing the Texas Department of Insurance's website, [www.tdi.state.tx.us](http://www.tdi.state.tx.us)" The Division finds that the percentage rate for this quarter is 4.14%.
4. The respondent reimbursed the requestor the amount of \$578.57 for disputed services. In accordance with 28 Texas Administrative Code §134.130, the amount due for interest is \$22.38. Therefore, an amount of \$22.38 is recommended.

## Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement for the interest is due. As a result, the amount ordered is \$22.38.

## **ORDER**

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the disputed interest amount. The Division hereby ORDERS the respondent to remit to the requestor the interest amount of \$22.38 per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

## Authorized Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
May 26, 2016  
Date

## **YOUR RIGHT TO APPEAL**

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**